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Amendt
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PATENT

Attorney Docket No. P00250USG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
FRANK J. RAGEN
Serial No. 09/837,743
Filed: December 27, 2001
For: **BABY SUPPORT WRAP**

Examiner: Frederick C. Conley
Group Art Unit: 3673
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT MAILED
JANUARY 15, 2004
401 West A St., Sta. 1600
San Diego, CA 92101
(619) 531-0950

Wanda Brown
Legal Instruments Examiner
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed January 25, 2004, applicant submits herewith a complete listing of all the claims in this application.

Any questions or comments relating to this response can be directed to the undersigned at (619) 531-4950.

Respectfully submitted,

JAMES C. WESEMAN, APLC

Dated: 30 January 2004

By James C. Weisman
Reg. No. 30,507
Attorney for Applicant

Atty. Docket: P00250USG

-1- PATENT

COMPLETE LISTING OF ALL CLAIMS

Serial No. 09/837,743

- / 1. (currently amended): A baby support comprising:
(a) a piece of fabric, the fabric sized to substantially encapsulate the baby, the fabric having attached thereto means for receiving a support pad and positioning said support pad so as to simultaneously support at least the head, neck and upper back of the baby;
(b) the support pad being substantially planar and of uniform thickness, the support pad sized to support at least the head, neck and upper back of the baby, and sufficiently resilient to as to generally conform to the adjacent contour of the baby when the fabric is wrapped around the baby; and
wherein when the support pad is joined with the means for receiving the support pad, the support pad provides firm support for at least the baby's head, neck and upper back when the fabric is wrapped about the baby.
- / 2. (original): The baby support of Claim 1, wherein the means for receiving a support pad comprise a piece of material secured to the fabric about the periphery of the piece of material so as to form a pouch, said pouch configured to receive the support pad therein so as to maintain the support pad in a desired position with respect to the fabric.
- / 3. (original): The baby support of Claim 1, wherein the means for receiving a support pad comprises a cover for receiving the support pad, the cover detachably affixable to the fabric, the cover having an access for inserting and removing the support pad.
4. (original): The baby support of Claim 1, wherein the fabric further comprises means for securing the fabric about the baby.

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			
Applicant(s): RAGEN, FRANK J.			
Serial No. 09/837,743	Filing Date 12/27/01	Examiner Frederick C. Conley	Docket No. P00250US0
Invention: BABY SUPPORT WRAP			
<p>I hereby certify that this <u>Response to Notice of Non-Compliant Amendment Mailed 1/15/04</u> <i>(Identify type of correspondence)</i> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703 746-3639</u>) on <u>January 30, 2004</u> <i>(Date)</i></p> <p style="text-align: center;"><u>Lillian M. Montano</u> <i>(Typed or Printed Name of Person Signing Certificate)</i>  <i>(Signature)</i></p>			
<p>Note: Each paper must have its own certificate of mailing.</p>			



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SN
Paper No. 23

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on _____ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____
- 3. Amendments to the drawings: _____
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/prenotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

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TO: Wanda Brown
Legal Instruments Examiner

COMPANY: U.S. Patent Office

FAX NUMBER: 703/746-3639

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